

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTH DAY — WEDNESDAY, JANUARY 17, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 5).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Craddick; Talton; Uher.

Absent — Tillery.

The invocation was offered by Dr. Frank Harber, president, Institute for Christian Defense, Fort Worth, as follows:

Dear heavenly Father, today we pause to ask you for your divine guidance and wisdom. Just as our forefathers called upon your name to bestow blessings upon our country, so also we call upon your name this day. Today we pray for our leaders of state government. We lift our appointed leaders for our great State of Texas. We pray for our new governor and pray that you would give him a special touch of your grace.

We also pray for our leaders in national government and pray that you would direct their steps and decisions. We especially pray for our president and President-elect Bush as they complete these important days of transition.

May your divine hand be ever present and evident as these appointed leaders make vital decisions for the people of Texas. May the hand of God be upon them and cause his face to continually shine upon their lives.

We utter this prayer in the wonderful name of Jesus. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Craddick on motion of F. Brown.

The following members were granted leaves of absence for today because of important business in the district:

Talton on motion of Denny.

Uher on motion of Walker.

CAPITOL PHYSICIAN

The speaker recognized Representative Noriega who presented Dr. Rosanne Popp of Houston as the "Doctor for the Day."

The house welcomed Dr. Popp and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Tillery now present)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HR 62 - ADOPTED
(by Tillery)**

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 62**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 62, Honoring Mr. and Mrs. James Money on their 50th anniversary.

HR 62 was adopted without objection.

**SCR 13 - ADOPTED
(Goolsby - House Sponsor)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **SCR 13**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 13, Inviting the governor to address a joint session of the legislature at 11:30 a.m. Wednesday, January 24, 2001.

SCR 13 was adopted without objection.

**HR 30 - ADOPTED
(by Keffer)**

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 30**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 30, Recognizing the city of Breckenridge as the Mural Capital of Texas.

HR 30 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Keffer, who introduced Virgil E. Moore, mayor of Breckenridge; Gary Ernest, city manager; Mary Francis Thompson, member of Breckenridge Community Development Board; Mickie Morse, president of the Breckenridge Chamber of Commerce; James Shelton, president of First National Bank; Mike Thornton, president, Development Corporation of Breckenridge; Sarah Shelton, president, Friends of Historic Breckenridge; Nancy Bode, branch manager of Graham Savings and Loan; Stacey Williams, branch manager of First American Bank; Kristi Williams, community development coordinator; and Billy Ines, mural artist.

HCR 30 - ADOPTED (by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HCR 30**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 30, Designating the city of Breckenridge the Mural Capital of Texas.

HCR 30 was adopted without objection.

HR 38 - ADOPTED (by Green)

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 38**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 38, Congratulating the 2000 Lockhart High School boys' cross-country team.

HR 38 was read and was adopted without objection.

HR 46 - ADOPTED (by Cook)

Representative Cook moved to suspend all necessary rules to take up and consider at this time **HR 46**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 46, Honoring the La Grange High School football team for winning the 2000 UIL Class 3A Division II state championship.

HR 46 was read and was adopted without objection.

On motion of Representative B. Brown, the names of all the members of the house were added to **HR 46** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Cook, who introduced members of the 2000 La Grange High School football team and their coaches.

HR 61 - ADOPTED

(by R. Lewis)

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 61**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 61, Honoring the West Orange-Stark High School football team for their athletic accomplishments.

HR 61 was adopted without objection.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 61** as signers thereof.

HR 64 - ADOPTED

(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 64**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 64, In honor of the Texas Commission for the Blind.

HR 64 was read and was adopted without objection.

SPEAKER PRO TEMPORE APPOINTED

The speaker announced the appointment of Representative D. R. "Tom" Uher as speaker pro tempore.

STANDING COMMITTEES APPOINTED

Speaker Laney appointed the following standing committees of the house:

COMMITTEE ON AGRICULTURE AND LIVESTOCK

Swinford, David, chair; McReynolds, Jim, vice-chair.

Seniority appointments: Christian, Wayne; Hardcastle, Richard "Rick"; Miller, Sid.

Speaker appointments: Brown, Betty; Green, Rick; Hupp, Suzanna Gratia; Kolkhorst, Lois.

COMMITTEE ON APPROPRIATIONS

Junell, Robert, chair; West, G. E. "Buddy", vice-chair.

Seniority appointments: Coleman, Garnet; Delisi, Dianne White; Gallego, Pete; Glaze, Bob; Gutierrez, Roberto; Hamric, Peggy; Heflin, Talmadge; Maxey, Glen; Moreno, Paul; Mowery, Anna; Puente, Robert; Turner, Sylvester.

Speaker appointments: Allen, Ray; Eiland, Craig; Farrar, Jessica; Flores, Ismael "Kino"; Giddings, Helen; Hochberg, Scott; Janek, Kyle; King, Tracy; Luna, Vilma; McReynolds, Jim; Pickett, Joseph "Joe"; Pitts, Jim; Smith, Todd.

COMMITTEE ON BUSINESS AND INDUSTRY

Brimer, Kim, chair; Dukes, Dawnna, vice-chair.

Seniority appointments: Dukes, Dawnna; Elkins, Gary; Woolley, Beverly.

Speaker appointments: Corte, Frank; Davis, John; George, Kenn; Giddings, Helen; Solomons, Burt.

COMMITTEE ON CALENDARS

Telford, Barry, chair; Hilbert, Paul, vice-chair.

Speaker appointments: Brimer, Kim; Danburg, Debra; Dutton, Harold, Jr.; McCall, Brian; Sadler, Paul; Solis, Jim; Thompson, Senfronia; Turner, Sylvester; Walker, Gary.

COMMITTEE ON CIVIL PRACTICES

Bosse, Fred, chair; Janek, Kyle, vice-chair.

Seniority appointments: Bosse, Fred; Nixon, Joe; Zbranek, Zeb.

Speaker appointments: Clark, Ron; Dutton, Harold, Jr.; Hope, Ruben; Martinez Fischer, Trey; Smithee, John.

COMMITTEE ON CORRECTIONS

Haggerty, Patrick "Pat", chair; Farrar, Jessica, vice-chair.

Seniority appointments: Allen, Ray; Farrar, Jessica; Hodge, Terri.

Speaker appointments: Ellis, Dan; Gray, Patricia; Hopson, Chuck; Isett, Carl; Ritter, Allan.

COMMITTEE ON COUNTY AFFAIRS

Ramsay, Tom, chair; Lewis, Glenn, vice-chair.

Seniority appointments: Farabee, David; Lewis, Glenn; Ramsay, Tom.

Speaker appointments: Brown, Betty; Chisum, Warren; Hilderbran, Harvey; Krusee, Mike; Salinas, Ignacio, Jr.; Shields, John.

COMMITTEE ON CRIMINAL JURISPRUDENCE

Hinojosa, Juan, chair; Dunnam, Jim, vice-chair.

Seniority appointments: Hinojosa, Juan; Keel, Terry; Talton, Robert.

Speaker appointments: Garcia, Domingo; Green, Rick; Kitchen, Ann; Martinez Fischer, Trey; Shields, John.

COMMITTEE ON ECONOMIC DEVELOPMENT

Solis, Jim, chair; Keffer, Jim, vice-chair.

Seniority appointments: Clark, Ron; Keffer, Jim; Solis, Jim.

Speaker appointments: Deshotel, Joseph "Joe"; Homer, Mark; Luna, Vilma; McClendon, Ruth Jones; Seaman, Gene; Yarbrough, Ken.

COMMITTEE ON ELECTIONS

Danburg, Debra, chair; Jones, Jesse, vice-chair.

Seniority appointments: Truitt, Vicki.

Speaker appointments: Denny, Mary; Gallego, Pete; Hodge, Terri; Madden, Jerry; Sadler, Paul; Wilson, Ron.

COMMITTEE ON ENERGY RESOURCES

Lewis, Ron, chair; Merritt, Tommy, vice-chair.

Seniority appointments: Hawley, Judy; Merritt, Tommy; Williams, Tommy.

Speaker appointments: Carter, Bill; Christian, Wayne; Crabb, Joe; Driver, Joe; Kitchen, Ann.

COMMITTEE ON ENVIRONMENTAL REGULATION

Chisum, Warren, chair; Bonnen, Dennis, vice-chair.

Seniority appointments: Chisum, Warren; Kuempel, Edmund; Uher, D. R. "Tom".

Speaker appointments: Bosse, Fred; Dukes, Dawnna; Geren, Charlie; Howard, Charlie; Zbranek, Zeb.

COMMITTEE ON FINANCIAL INSTITUTIONS

Averitt, Kip, chair; Solomons, Burt, vice-chair.

Seniority appointments: Averitt, Kip; Denny, Mary; Solomons, Burt.

Speaker appointments: Grusendorf, Kent; Hopson, Chuck; Marchant, Kenny; Menendez, Jose; Pitts, Jim; Wise, Miguel "Mike".

COMMITTEE ON GENERAL INVESTIGATING

Gallego, Pete, chair; Uher, D. R. "Tom", vice-chair.

Speaker appointments: Crabb, Joe; Eiland, Craig; Keel, Terry.

COMMITTEE ON HIGHER EDUCATION

Rangel, Irma, chair; Brown, Fred, vice-chair.

Seniority appointments: Jones, Jesse; Rangel, Irma; West, G. E. "Buddy".

Speaker appointments: Farabee, David; Goolsby, Tony; Morrison, Geanie; Reyna, Elvira; Uher, D. R. "Tom".

COMMITTEE ON HOUSE ADMINISTRATION

Goolsby, Tony, chair; Luna, Vilma, vice-chair.

Speaker appointments: Allen, Ray; Bailey, Kevin; Chisum, Warren; Geren, Charlie; Giddings, Helen; Hamric, Peggy; Hawley, Judy; Jones, Delwin; Maxey, Glen.

COMMITTEE ON HUMAN SERVICES

Naishtat, Elliott, chair; Chavez, Norma, vice-chair.

Seniority appointments: Chavez, Norma; Davis, John; Naishtat, Elliott.

Speaker appointments: Ehrhardt, Harryette; Noriega, Rick; Telford, Barry; Villarreal, Michael "Mike"; Wohlgemuth, Arlene; District 42.

COMMITTEE ON INSURANCE

Smithee, John, chair; Eiland, Craig, vice-chair.

Seniority appointments: Eiland, Craig; Seaman, Gene; Smithee, John.

Speaker appointments: Averitt, Kip; Burnam, Lon; Lewis, Glenn; Moreno, Joe; Olivo, Dora; Thompson, Senfronia.

COMMITTEE ON JUDICIAL AFFAIRS

Thompson, Senfronia, chair; Hartnett, Will, vice-chair.

Seniority appointments: Capelo, Jaime; Thompson, Senfronia; Uresti, Carlos.

Speaker appointments: Deshotel, Joseph "Joe"; Garcia, Domingo; Hinojosa, Juan; Solis, Jim; Talton, Robert.

COMMITTEE ON JUVENILE JUSTICE AND FAMILY ISSUES

Goodman, Toby, chair; Reyna, Arthur "Art", vice-chair.

Seniority appointments: Goodman, Toby; Reyna, Arthur "Art"; Reyna, Elvira.

Speaker appointments: King, Phil; Menendez, Jose; Morrison, Geanie; Naishtat, Elliott; Nixon, Joe; Tillery, Dale.

COMMITTEE ON LAND AND RESOURCE MANAGEMENT

Walker, Gary, chair; Crabb, Joe, vice-chair.

Seniority appointments: Crabb, Joe; Howard, Charlie; Krusee, Mike.

Speaker appointments: Brown, Fred; Geren, Charlie; Mowery, Anna; Truitt, Vicki; Turner, Bob.

**COMMITTEE ON LICENSING AND
ADMINISTRATIVE PROCEDURES**

Wilson, Ron, chair; Yarbrough, Ken, vice-chair.

Seniority appointments: Haggerty, Patrick "Pat"; Wise, Miguel "Mike"; Yarbrough, Ken.

Speaker appointments: Flores, Ismael "Kino"; Goolsby, Tony; Jones, Delwin; Moreno, Joe; Reyna, Arthur "Art".

COMMITTEE ON LOCAL AND CONSENT CALENDARS

Davis, Yvonne, chair; Gutierrez, Roberto, vice-chair.

Speaker appointments: Carter, Bill; Cook, Robert "Robby"; Jones, Jesse; Keffer, Jim; King, Tracy; McClendon, Ruth Jones; Puente, Robert; Ritter, Allan; Solomons, Burt.

COMMITTEE ON NATURAL RESOURCES

Counts, David, chair; King, Tracy, vice-chair.

Seniority appointments: Corte, Frank; Hilderbran, Harvey; Lewis, Ron.

Speaker appointments: Cook, Robert "Robby"; Hope, Ruben; Puente, Robert; Walker, Gary.

COMMITTEE ON PENSIONS AND INVESTMENTS

Tillery, Dale, chair; Woolley, Beverly, vice-chair.

Seniority appointments: Crownover, Myra; Salinas, Ignacio, Jr.

Speaker appointments: George, Kenn; Goodman, Toby; Rangel, Irma; Telford, Barry; Williams, Tommy.

COMMITTEE ON PUBLIC EDUCATION

Sadler, Paul, chair; Dutton, Harold, Jr., vice-chair.

Seniority appointments: Dutton, Harold, Jr.; Grusendorf, Kent; Sadler, Paul.

Speaker appointments: Dunnam, Jim; Hardcastle, Richard "Rick"; Hochberg, Scott; Oliveira, Rene; Olivo, Dora; Smith, Todd.

COMMITTEE ON PUBLIC HEALTH

Gray, Patricia, chair; Coleman, Garnet, vice-chair.

Seniority appointments: Gray, Patricia; Longoria, John; Wohlgemuth, Arlene.

Speaker appointments: Capelo, Jaime; Delisi, Dianne White; Glaze, Bob; Maxey, Glen; Uresti, Carlos.

COMMITTEE ON PUBLIC SAFETY

Turner, Bob, chair; Keel, Terry, vice-chair.

Seniority appointments: Driver, Joe; Hupp, Suzanna Gratia; Turner, Bob.

Speaker appointments: Berman, Leo; Gutierrez, Roberto; Isett, Carl; King, Phil; Villarreal, Michael "Mike".

COMMITTEE ON REDISTRICTING

Jones, Delwin, chair; Glaze, Bob, vice-chair.

Speaker appointments: Bosse, Fred; Counts, David; Dunnam, Jim; Grusendorf, Kent; Hunter, Bob; Keel, Terry; Luna, Vilma; Marchant, Kenny; McClendon, Ruth Jones; Moreno, Paul; Pitts, Jim; Sadler, Paul; Wilson, Ron.

COMMITTEE ON RULES AND RESOLUTIONS

Edwards, Al, chair; Truitt, Vicki, vice-chair.

Speaker appointments: Berman, Leo; Brown, Betty; Chavez, Norma; Clark, Ron; Farabee, David; Moreno, Joe; Olivo, Dora; Shields, John; Wise, Miguel "Mike".

COMMITTEE ON STATE AFFAIRS

Wolens, Steven, chair; Turner, Sylvester, vice-chair.

Seniority appointments: Counts, David; Danburg, Debra; Hilbert, Paul; Hunter, Bob; Jones, Delwin; Wolens, Steven.

Speaker appointments: Bailey, Kevin; Brimer, Kim; Craddick, Tom; Longoria, John; Marchant, Kenny; McCall, Brian; McClendon, Ruth Jones; Merritt, Tommy.

COMMITTEE ON STATE, FEDERAL AND INTERNATIONAL RELATIONS

Hunter, Bob, chair; Moreno, Paul, vice-chair.

Speaker appointments: Berman, Leo; Chavez, Norma; Elkins, Gary; Madden, Jerry; Miller, Sid; Najera, Manny; District 42.

COMMITTEE ON STATE RECREATIONAL RESOURCES

Kuempel, Edmund, chair; Cook, Robert "Robby", vice-chair.

Seniority appointments: Cook, Robert "Robby"; Ellis, Dan; Homer, Mark.

Speaker appointments: Alexander, Clyde; Callegari, William "Bill"; Crownover, Myra; Jones, Elizabeth Ames; Kolkhorst, Lois.

COMMITTEE ON TRANSPORTATION

Alexander, Clyde, chair; Hawley, Judy, vice-chair.

Seniority appointments: Alexander, Clyde; Hill, Fred; Swinford, David.

Speaker appointments: Davis, Yvonne; Edwards, Al; Hamric, Peggy; Noriega, Rick; Pickett, Joseph "Joe".

COMMITTEE ON URBAN AFFAIRS

Carter, Bill, chair; Bailey, Kevin, vice-chair.

Seniority appointments: Bailey, Kevin; Burnam, Lon; Carter, Bill.

Speaker appointments: Callegari, William "Bill"; Edwards, Al; Ehrhardt, Harryette; Hill, Fred; Jones, Elizabeth Ames; Najera, Manny.

COMMITTEE ON WAYS AND MEANS

Oliveira, Rene, chair; McCall, Brian, vice-chair.

Seniority appointments: Craddick, Tom; Hartnett, Will; McCall, Brian; Oliveira, Rene.

Speaker appointments: Bonnen, Dennis; Davis, Yvonne; Heflin, Talmadge; Hilbert, Paul; Keffer, Jim; Ramsay, Tom; Ritter, Allan.

**PROCLAMATION BY THE SPEAKER
APPOINTMENT OF SELECT COMMITTEE ON
CONSTITUTIONAL REVISION**

The speaker laid before the house and had read the following proclamation:

Pursuant to Rule 1, Section 16, of the House Rules, I, James E. "Pete" Laney, Speaker of the House, hereby create the Select Committee on Constitutional Revision. The committee has jurisdiction over all matters pertaining to a broad substantive or nonsubstantive revision of the Texas Constitution, including those measures that authorize or are intended to accomplish a broad, general revision of the state constitution and any measures designed to eliminate obsolete, executed, superseded, or duplicative constitutional provisions. The committee shall have seven members and has the same authority as is conferred on standing committees under the rules of the house.

The following members are hereby appointed to the Select Committee on Constitutional Revision: Driver, chair; Puente, vice-chair; Bailey; Dutton; G. Lewis; Mowery; and Solomons.

January 17, 2001

James E. "Pete" Laney
Speaker of the House

**PROCLAMATION BY THE SPEAKER
APPOINTMENT OF SELECT COMMITTEE ON
TEACHER HEALTH INSURANCE**

The speaker laid before the house and had read the following proclamation:

Pursuant to Rule 1, Section 16, of the House Rules, I, James E. "Pete" Laney, Speaker of the House, hereby create the Select Committee on Teacher Health Insurance. The committee has jurisdiction over matters pertaining to health insurance and other health care benefit plans for active and retired teachers and other employees of the public school system. The committee shall have fifteen members and has the same authority as is conferred on standing committees under the rules of the house.

The following members are hereby appointed to the Select Committee on Teacher Health Insurance: Sadler, chair; Marchant, vice-chair; Clark; Dutton; Ehrhardt; Flores; Gallego; Hochberg; Junell; Oliveira; Pitts; Smith; Telford; Tillery; and Wilson.

January 17, 2001

James E. "Pete" Laney
Speaker of the House

ADJOURNMENT

Representative Dunnam moved that the house adjourn until 1:00 p.m. Monday, January 22 in memory of Bruce Gaines of Waco, executive director of the Central Texas Economic Development District.

The motion prevailed without objection.

The house accordingly, at 10:57 a.m., adjourned until 1:00 p.m. Monday, January 22.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, January 17, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 76 Heflin SPONSOR: Brown, J. E. "Buster"
Honoring the Katy Tigers for winning the Class 5A Division II football Championship.

SCR 13 Sibley
Joint Session of the Senate and House of Representatives on Wednesday January 24, 2001.

Respectfully,

Betty King
Secretary of the Senate

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